

★ Roll Call Number
22-1595

Agenda Item Number

M.H.G.B. 3

Date October 24, 2022

APPROVAL OF LEASE AGREEMENT BETWEEN DES MOINES MUNICIPAL HOUSING AGENCY AND POLK COUNTY FOR ADMINISTRATIVE OFFICES AT POLK COUNTY RIVER PLACE

WHEREAS, the City of Des Moines, Iowa Municipal Housing Agency (DMMHA) provides decent, safe and affordable housing to low-income families within Des Moines and Polk County, including public housing and a variety of other housing services; and

WHEREAS, on September 26, 2016, by Roll Call No. 16-1582, the Municipal Housing Governing Board approved the initial lease agreement with Polk County for the Des Moines Municipal Housing Agency's Administrative Offices at Polk County River Place, located at 2309 Euclid Avenue; and

WHEREAS, the DMMHA and Polk County have negotiated a Lease Agreement, with a term commencing July 1, 2022, and expiring June 30, 2024, for a monthly rental fee of \$10,471 (\$7.00 per square foot) for the first year and \$11,967 (\$8.00 per square foot) for the second year; and

WHEREAS, the Lease Agreement also will include the option for DMMHA to terminate the Lease Agreement if needed, at any time and for any reason, upon written notice, including upon thirty (30) calendar days' written notice if the United States Department of Housing and Urban Development (HUD) terminates or substantially reduces the funding for the DMMHA programs, and/or if HUD makes a written determination that any provision of the Lease Agreement is in violation of Federal Regulations or Federal Contractual Obligations; and

WHEREAS, the DMMHA deems it advisable to approve this Lease Agreement; and

WHEREAS, pursuant to Section 403A.3(9) of the Code of Iowa, and due to the use of federal funds for lease payment, the requirements of Section 364.4 of the Iowa Code do not apply to the City when exercising its municipal housing powers with respect to this lease.

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NOW, THEREFORE, BE IT RESOLVED by the Municipal Housing Governing Board of the City of Des Moines, Iowa:

1. That the Lease Agreement between the City of Des Moines, Iowa Municipal Housing Agency and Polk County, in substantially the form on file in the office of the City Clerk, leasing a portion of the River Place complex owned by Polk County located at 2309 E. Euclid Avenue, is hereby approved, subject to final approval as to form by the City's Legal Department.

2. That, following final negotiation of terms by the Housing Agency and approval as to form by the City's Legal Department, the Mayor be and is hereby authorized and directed to sign the Lease Agreement and the City Clerk is hereby authorized and directed to attest the Mayor's signature.

3. That the DMMHA Executive Director and his designee(s) are hereby authorized and directed to administer and monitor the terms of the Lease Agreement, and the DMMHA and Finance Department are authorized to make lease payments and other payments as required pursuant to the Agreement.

4. That the DMMHA Executive Director is authorized and directed to approve and execute any unsubstantial amendments to the Lease Agreement, following approval as to form by the Legal Department, and to return any substantive amendments to the Lease Agreement to the City Council for consideration and approval.

(Board Communication No. 22-486)

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Lisa A. Wieland
 Lisa Wieland, Assistant City Attorney

M.H.G.B. ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM				✓
SHEUMAKER	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	6			1
MOTION CARRIED	APPROVED			

J. M. Frank Mayor

CERTIFICATE

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City of Des Moines, Municipal Housing Agency Governing Board, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner City Clerk